

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENT TO ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners that it intends to adopt a new Chapter 360-29, entitled "Bad Checks." An exact copy of the proposed new chapter is attached to this Notice.

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than December 29, 2004 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at matkinson@dch.state.ga.us.

A public hearing is scheduled to begin at 9:00 a.m. on Friday, January 14, 2005 at the Board Room for the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on October 8, 2004 and intends to adopt the attached rules at its meeting on January 14, 2005, after the conclusion of the public hearing, at the Board Room, for the Composite State Board of Medical Examiners, 36th Floor, No. 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. §§ 43-34-24(c) and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date:

Signed:

LaSharn Hughes

Executive Director

Composite State Board of Medical Examiners

ECONOMIC IMPACT AND SYNOPSIS FOR
PROPOSED NEW CHAPTER 360-29
BAD CHECKS

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of Article 3 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. The Composite State Board of Medical Examiners licenses and regulates six professions. Businesses that could be impacted by this rule change range from small businesses such as medical practices to large businesses such as hospitals. However, in the Board's experience the majority of application fees are paid by individuals and not businesses. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-3 and Chapter 34 of Title 43 of the O.C.G.A. Additionally, it is not legal or feasible to meet the objectives of the Physician's Assistant Act to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The economic impact on all licensees and affected Georgia businesses should be the same.

RULE SYNOPSIS:

Purpose: The purpose of the proposed new chapter is to provide for procedures in which bad checks are handled and the impact of a bad check upon the issuance or renewal of a license, certificate or permit.

Main Features: Rule 360-29-.01 provides that the Board will pursue its legal remedies under O.C.G.A. § 16-9-20 when a bad check is issued in payment of examination, license or renewal fees, application fees, or similar fees. Rule 360-29-.02 provides that, if an applicant issues a bad check to cover the required fees, the license, certificate or permit will not be issued until the applicant has paid the appropriate fees and service charge. The rule also provides a procedure by which an license, certificate or permit will be deemed to have been issued in error and deemed not current, if the license, certificate or permit was issued prior to determining that the applicant issued a bad check. Rule 360-29-.03 provides that renewal licenses, certificates or permits will not be issued when the licensee, certificate or permit holder issues a bad check to cover the required fee. The rule further provides a procedure by which the renewal license, certificate or permit will be deemed to have been issued in error and deemed not current, if the renewal license, certificate or permit was issued prior to determining that the licensee, certificate or permit holder issued a bad check to cover the required fees.

RULES
OF
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 360-29

BAD CHECKS

- 360-29-.01 Policy
- 360-29-.02 Applicants for Licensure, Certification or Permits.
- 360-29-.03 License, Certificate or Permit Renewal.

360-29-.01 Policy

It is the policy of the Composite State Board of Medical Examiners to pursue its legal remedies under O.C.G.A. § 16-9-20 when a bad check is issued payment of examination, license or renewal fees, application fees, or similar fees, and to take such other action as it is outlined in the following rules and regulations. Any person issuing a bad check will be subject to the service charge as provided in O.C.G.A. § 16-9-20(a)(2).

Authority: O.C.G.A. Secs. 43-1-3, 43-34-24(c), 43-34-24.1.

360-29-.02 Applicants for Licensure, Certification or Permits. If an applicant for licensure, certification or permit issues a bad check to cover the required fees, such applicant shall not be issued a license, certificate or permit until the applicant has paid the appropriate fees and service charge. If a license, certificate or permit is issued prior to determining that the applicant issued a bad check, such license, certificate or permit will be deemed to have been issued in error and deemed not current unless the applicant pays the appropriate fees and service charge with ten (10) days after the applicant received a notice mailed by certified or registered mail. The applicant must pay the appropriate fees and service charge by cashier's check or money order.

Authority: O.C.G.A. Secs. 43-1-3, 43-34-24(c), 43-34-24.1 .

360-29-.03 License, Certificate or Permit Renewal. If a licensee, certificate or permit holder attempts to renew a license, certificate or permit by the issuance of a bad check, the license, certificate or permit will not be renewed until all fees due including any applicable late renewal fees plus service charge are paid. If the license, certificate or permit is renewed and reissued to the licensee, certificate or permit holder, he or she will be notified by certified or registered mail that the renewed license, certificate or permit will be deemed not current unless all fees due for renewal plus the service charge are remitted with ten (10) days after receipt of the notice. The licensee, certificate or permit holder must pay the fees and service charge by cashier's check or money order.

Authority: O.C.G.A. Secs. 43-1-3, 43-34-24(c), 43-34-24.1